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10 Attorneys for Plaintiff
11 NELSON' S MARINE, INC.

12 UNITED STATES DISTRICT COURT

13 NORTHERN DISTRICT OF CALIFORNIA

14 NELSON' S MARINE, INC.

15 Plaintiff,

16 vs.

17 That certain 2006 ALBIN 39' VESSEL,
18 SERIAL NO. AUL 40008 F 506, her engines,
19 machinery, equipment, and appurtenances, *in rem*,

20 Defendant.

21 IN ADMIRALTY

22 CASE NUMBER: CV 08-3878 SBA

23 STIPULATION TO EXTEND DEADLINE
24 TO RESPOND TO COMPLAINT UNTIL
25 DECEMBER 15, 2008 AND TO POSTPONE
CASE MANAGEMENT CONFERENCE TO
FIRST AVAILABLE DATE
THEREAFTER; ORDER

26 [L.R. 6-1]

27 Plaintiff NELSON' S MARINE, INC. (herein "NELSON' S MARINE"), Defendant that
28 certain 2006 ALBIN 39' VESSEL, SERIAL NO. AUL 40008 F 506, her engines, machinery,
equipment, and appurtenances, *in rem* (herein "the Defendant Vessel"), and interested party
D' Anna Yacht Center, Inc. (herein "D' Anna Yacht") (collectively referred to herein as "the
Parties"), stipulate as follows:

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30 1. NELSON' S MARINE filed a Verified Complaint *In Rem* for Maritime Lien
31 against the Defendant Vessel on August 13, 2008.
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33 / / /
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35 1.

36 STIPULATION [PROPOSED] ORDER

37 CASE NO. CV 08-3878 BZ

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2. The complaint asserts a lien against the Defendant Vessel based on services rendered by NELSON'S MARINE to the Defendant Vessel. Interested party D' Anna Yacht is the present owner of the Defendant Vessel.

3. NELSON'S MARINE completed substitute service of the Summons and Complaint on interested party D' Anna Yacht on September 1, 2008 (a copy of the Summons and Complaint were left at D' Anna Yacht's place of business, and then mailed on August 22, 2008. Service is deemed complete 10 days after mailing. See Fed.R.Civ.P. 4(h)(incorporating state law); CCP § 416.10.)

4. D' Anna Yacht and the Defendant Vessel are represented by Ernest Pierucci of the Law Offices of Ernest Pierucci, 180 Montgomery Street, Suite 940, San Francisco, California 94104.

5. On September 15, 2008 this case was re-assigned to District Judge Sandra Brown Armstrong.

6. A case management conference is set for November 17, 2008.

7. The present deadline for D' Anna Yacht and the Defendant Vessel to respond to the Complaint is November 7, 2008, due to previous extensions of time that NELSON'S MARINE granted so the Parties could continue to negotiate towards an early settlement of this matter.

8. The Parties are still negotiating and believe that additional time may result in the resolution of this matter without further Court involvement.

9. The Parties therefore request that D' Anna Yacht and the Defendant Vessel be given an extension until **December 15, 2008** to respond to the Complaint, and that the Case Management Conference be rescheduled until the earliest date thereafter that the Court has available.

10. The Parties seek Court approval of this Stipulation because the requested new response date is after the November 17, 2008 case management conference already set by the Court. See L.R. 6-1.

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11. The relief requested by the Parties will not cause undue delay as a trial date has not been set yet. Moreover, the relief requested by the Parties may facilitate an early resolution of this matter and therefore could ultimately conserve judicial resources.

IT IS SO STIPULATED.

DATED: November 4, 2008 EMARD DANOFF PORT TAMULSKI & PAETZOLD LLP

By _____ /s/
James J. Tamulski
Jared A. Washkowitz
Attorneys for Plaintiff NELSON'S MARINE, INC.

DATED: November 4, 2008 LAW OFFICES OF ERNEST PIERUCCI

By: _____ /s/
Ernest Pierucci
Attorneys for Defendant that certain 2006 ALBIN 39'
VESSEL, SERIAL NO. AUL 40008 F 506, her engines,
machinery, equipment, and appurtenances, *in rem* and
interested party D' Anna Yacht Center, Inc.

[PROPOSED] ORDER

The above Stipulation is approved. Defendant that certain 2006 ALBIN 39' VESSEL, SERIAL NO. AUL 40008 F 506, her engines, machinery, equipment, and appurtenances, *in rem* and interested party D' Anna Yacht Center, Inc. must respond to the Complaint by **December 15, 2008.**

Dated: 11/6/08

Saundra B. Armstrong
HON. SAUNDRA B. ARMSTRONG

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